

ORDER No. I. 41-47—ML. 101-24-14, DATED 2ND JULY 1925.

With reference to the above resolution, Government observed that there would be no objection to extend the concession of free supply to all religious institutions if this entailed the foregoing by Government of only a sum of about 1 or 2 thousand rupees. It is reported by the Chief Engineer that there are only twenty-nine charitable institutions such as chatrams, matts and musafirghanas in the two cities and that the probable loss of revenue would be Rs. 981 only per year or Rs. 81-12-0 per month, if the concession of the free supply of water is extended to them. As the loss resulting from the grant of the above concession is very small, Government are pleased to direct that all temples, masjid, churches, cremation and burial grounds and charitable institutions such as chatrams, matts and musafirghanas in both the Bangalore and Mysore Cities be given free water supply with effect from 1st July 1925.

B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments,

REVENUE SECRETARIAT.

The relationship between the Inamdars, their tenants and the Government.

READ—

Government Order No. R. 1715-22—L. R. 482 17-8, dated the 18th July 1918, appointing a Commission to investigate into the several questions affecting the relationship between Inamdars, tenants and Government, and the administration of Inam villages.

2. Correspondence ending with letter No. C. 302—Gl. 18-19, dated the 1st April 1920, from the Revenue Commissioner in Mysore, submitting the report of the Inam Commission.

3. Correspondence ending with letter dated the 8th August 1922, from Rajasabha Bhushana Diwan Bahadur K. P. Puttanna Chetty, C.I.E., President of the Mysore Inamdars' Association, forwarding the opinion of the Association on the several recommendations made by the Inam Commission.

4. Correspondence ending with letter No. C. 403, dated the 10th August 1922, from the Revenue Commissioner forwarding copies of the communications from the Deputy Commissioners of Districts, (except Kadur) furnishing their opinion on the recommendations made by the Inam Commission.

5. Correspondence ending with letter No. C. 4036--20-21, dated the 24th January 1923, from the Revenue Commissioner furnishing his opinion on the several points dealt with by the Inam Commission and the Mysore Inamdars' Association.

6. The marginally noted Representative Assembly Subjects relating to the several matters referred to in the report of the Inam Commission.

1.	Representative Assembly Subject No. 31 of October 1917.
2.	Do do 31 do 1917
3.	Do do 31 May 1918
4.	Do do 31 October 1918
5.	Do do 30 Jan 1919
6.	Do do 17 do 1920
7.	Do do 25 do 1920
8.	Do do 24 do 1921
9.	Do do 18 do 1922
10.	Do do 20 do 1923

ORDER No. R. 28-48—L. R. 482-17-42, DATED, 2ND JULY 1925.

The condition of Inam Villages in Mysore has for a long time been engaging the

1. The Revenue Commissioner (President) (Mr. K. Chandy.)
 2. The Survey Superintendent and *ex-officio* Superintendent of Inams. (Mr. D. K. Darashah.)
 3. Mr. K. Matthan, Deputy Commissioner, Mysore District.
 4. Mr. B. Srinivasa Iyengar, Inamdar, Anokai Taluk.
 5. Mr. Budigere Gundu Rao, Inamdar, Malur Taluk.
 6. Mr. K. Venkataswami Iyer, Advocate and Land holder, Nijjagud.
 7. Mr. M. N. Subbanna, Advocate and Land holder, Mysore.
- earnest attention of Government. The relations of the Inamdar with the Government on the one hand, and with the tenants on the other, have been the subject of considerable difficulty and misunderstanding. The question of remedying this state of affairs has been brought up for consideration in the Representative Assembly several times since 1914. In 1916, the Land Revenue Code was amended with a view to improve the facilities for the introduction of Survey and Settlement into Inam villages, but this did not go far enough to meet the requirements of the case. Government appointed two Committees, one in May 1915, and the other in May 1916, to consider the question in detail, but the deliberations of these Committees, and the discussions carried on later in the District Conferences on this subject did not lead to any useful results, as the resolutions were neither conclusive nor unanimous. Government, therefore, in their Order No. R. 1715-22—L. R. 482-17-8 dated the 18th July 1918, appointed a Commission consisting of the marginally

noted gentlemen to examine the whole question. Mr. M. V. Subbanna having resigned his membership in February 1919, the late Mr. M. Subbaiya was appointed in his place but he also resigned in October 1919. After obtaining the statements of leading people in the State on certain interrogatories furnished to them, and after examining 28 witnesses, the Commission have submitted their report to Government. The recommendations of the Commission are fairly unanimous except for a short dissenting note submitted by Messrs. Srinivasa Iyengar and Gundu Rao on some points. The report was published in the *Mysore Gazette* in May 1921, and criticisms and suggestions thereon were invited. Since the publication of the Commission's report, Government have received the opinion of Mr. K. R. Srinivasa Iyengar, the then Revenue Commissioner, and now the First Member of Council, the Deputy Commissioners, and the Inamdars' Association on the several points dealt with in the report.

2. Ten questions were referred to the Commission for investigation. They will now be dealt with in their serial order.

Point I.—Should the introduction of Survey and Settlement be made compulsory in all Inam villages? Subject to what conditions may it be made compulsory on the motion of (a) Government, (b) Inamdars and (c) tenants?

Under the existing law, Government cannot, of their own motion, introduce Survey and Settlement into an Inam village, unless it comes under their management. According to Section 236 of the Land Revenue Code, the provisions of Chapters VIII to X of the Code cannot be applied to any alienated or Kayamgutta village unless it comes under Government management, or except for the purposes of fixing the boundaries of any such village, or any quit rent or any local or irrigation cesses payable by such village, and of determining any disputes relating thereto. The introduction of Survey and Settlement in an alienated or Kayamgutta village may, however, be ordered by Government on an application to that effect made in writing by the holder of the village, or, where there are more holders than one, on the application of so many of them as hold in the aggregate not less than three-fourths of the shares in such village. The tenants have no voice in the introduction of Survey and Settlement. As regards cost, according to the present rules, the expenditure on account of flag-holders, erection of boundary marks and other labour charges has to be met by the Inamdar and his raiyats. The cost of establishment is ordinarily borne by Government if the operations in an Inam village are conducted during, or within a few years of, the general survey, and settlement of the taluk, and if the Inamdar agrees to the introduction of the settlement. If the Inamdar does not agree to the settlement, he has to bear the full cost of the survey establishment. Even if he agrees to the introduction of settlement, if the survey and settlement of the Inam village is likely to entail undue cost and inconvenience on account of its remoteness from the tracts where the survey establishments are at work, or, if the general operations of that taluk are not due for a long time, the Inamdar has to pay the cost of establishment.

At present the holdings in an unsurveyed Inam village are not properly demarcated or allocated and their extent is not correctly known, and this affords scope for constant misunderstanding between raiyat and raiyat, and raiyat and Inamdar. The introduction of Survey will put an end to such misunderstanding. The Commission are therefore of opinion that the introduction of Survey should be made compulsory in all Inam villages, and that the present rule requiring the Inamdar to pay the cost of the Survey, should he decide on not introducing settlement also at the same time may stand. The Revenue Commissioner and the majority of Deputy Commissioners are of the same opinion. The Inamdars' Association suggest that Survey may be introduced compulsorily, but subject to certain conditions such as, that the names of the tenants or saguvalidars should not be mentioned in the "Sud" and that the cost of establishment should be borne by Government, the expenditure on account of handhs, stones and labour charges being paid by the Inamdar. As regards the entry of the names of tenants and cultivators in the survey records which is objected to by the Inamdars' Association, Government observe that the introduction of survey by itself does not affect the relative position of Inamdars and tenants, and that Inamdars have therefore no cause to apprehend that their rights will in any way be prejudicially affected by it. Government direct that when resurvey operations are in progress in any taluk, survey shall be introduced compulsorily into all Inam and Kayamgutta villages situated in it, the entire cost of the

survey establishment being borne by Government. The incidental charges on account of flag-holders, etc., will be met by Inamdars and tenants as hitherto. Government may also order the introduction of survey in an alienated or Kayamgutta village independently of the resurvey operations of the taluk, on an application to that effect made in writing by the holder of the village, or where there are more holders than one, on the application by so many of them as hold in the aggregate not less than two-thirds of the shares in such village. In such cases the Inamdar or Inamdars should pay the cost of the survey establishment.

As regards Settlement, the Commission are not in favour, under existing conditions, of recommending its compulsory introduction into all Inam villages. As regards *vritti* villages, three members of the Commission consider that Settlement should be made compulsory, as allocation of *vrittis* is not possible without fixing the assessment on individual fields. Two members are of opinion that *vrittis* should be allocated on the land by survey, and that Settlement should be made only if the holders of half the allocated number of *vrittis* agree. Mr. Darashah considers that Settlement should be made compulsory only on default of payment of revenue for two years, or at the instance of any *vrittidar*, or on the application of a majority of Kadim tenants who can show good reasons for it to the satisfaction of Government. Two non-official members have suggested that, instead of making Settlement compulsory, the Government might encourage Inamdars voluntarily to apply for settlement, by granting Inamdars of settled villages certain additional facilities for collecting their revenue. The Inamdars' Association are of opinion that Settlement should not be introduced compulsorily, and make the following suggestions:— (1) If the Inamdars holding not less than 75 per cent of the land in the Inam village apply for Settlement, it may be ordered. (2) Settlement should not be introduced merely on the motion of tenants. (3) If by settlement the Inamdar's income from occupied lands falls below his previous income, he should have the option of not accepting the rates, unless they are so adjusted as not to cause any loss to him. There is nothing new in these suggestions as they are provided for in the existing law. The Association also urge the grant of certain facilities to Inamdars to induce them to have their villages settled. Mr. K. R. Srinivasa Iyengar is of opinion that Settlement should not be introduced in an Inam village unless it is agreed to by the majority of Inamdars, and that it should not be introduced at the instance of the tenants alone; but where the Inamdars agree to the introduction of Settlement they should be bound by the results. Government have carefully considered the question from all points of view. In the interests of the proper management of these villages in which the Inamdars and the tenants as well as Government are greatly interested, it is necessary that the existing facilities for introducing Settlement should be considerably improved. Government therefore direct that Settlement may be introduced on the application of the majority of Inamdars if they also hold not less than two-thirds of the *vrittis*, or on the application of not less than half the number of the Kadim tenants in the village. In the latter case, the Inamdar will be called upon to show cause why Settlement should not be introduced and after hearing his objections, the Revenue Commissioner may pass orders, an appeal against his order lying to Government whose decision will be final. As regards the cost of Settlement, it will be waived if the Settlement is made at the instance of the Inamdars, whether it synchronizes with the revision settlement of the taluk or not. If the Settlement is introduced on the motion of the Kadim tenants, those who ask for it should bear the entire cost of the settlement.

Point II.—In what manner are the provisions of sections 63 to 78 of the Land Revenue Code relating to the rights of occupants, etc., to be applied in the case of tenants of Inam Villages into which Survey and Settlement have been introduced?

Sections 63 and 64 of the Land Revenue Code relate to the appropriation of unalienated agricultural land for purposes unconnected with agriculture and the penalty for unauthorised appropriation. The other sections refer to occupants' rights, transfer of registry due to Civil Court decree, or death, or relinquishment. The Commission recommend that it may be laid down as a general rule that powers under Sections 63 and 64 of the Land Revenue Code may be delegated to Inamdars of settled villages who are competent to exercise these powers and consider that no legislation is necessary as regards the other powers, as they are even now exercised by Inamdars. The Inamdars' Association, the Revenue Commissioner.

and the Deputy Commissioners recommend the adoption of the Inam Commission's recommendations on this point. Government direct that in settled Inam villages whose owners do not hold a Commission, under Section 99 to exercise powers under Sections 63 and 64 of the Land Revenue Code, these powers may be exercised by the Deputy Commissioner on the application of the Inamdar or tenant, after due enquiry of both parties. One half of any penalty or fine that may be imposed and recovered by the Deputy Commissioner in such cases will be paid to the Inamdar, and the other half credited to Government.

Point III.—In what respects may Section 236 of the Land Revenue Code be amended and the provisions of Chapter VII on the rights and responsibilities of the Inamdars and tenants made more definite?

Government have already (under 2. point I, above) indicated the changes proposed to be made in the law relating to the introduction of Survey and Settlement in Inam villages. Action will be taken to amend Section 236 accordingly.

As regards Chapter VII of the Land Revenue Code, which deals with the rights and responsibilities of Inamdars and tenants, the Commission are of opinion that the provisions thereof except Section 79 may be left unaltered. Section 79, which relates to the duration of tenancy, lays down that where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and the tenant, or those under whom they respectively claim title, or any usage of the locality as to the duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him. Antiquity as used in this section is very vague and has been the fruitful source of much litigation. The Commission therefore recommend that an explanation to Section 79 should be added to the effect that in the absence of any specific agreement between the landlord and the tenant, uninterrupted possession on payment of a fixed rent for a certain number of years would be presumptive proof of permanent tenancy. It is necessary that, where the period of tenancy is unknown, some specific period of enjoyment should be prescribed to raise the presumption that the tenancy is a permanent one. The period suggested by the witnesses for this purpose varies from three to fifty years. After considering the conditions in Bengal, the Punjab, Bombay and Madras, the Commission recommend that the following classes of raiyats should be considered as permanent tenants :-

(i) Those who have been recognised as such, by the landlords, or by Courts in cases to which the landlords were parties.

(ii) Holders of lands in respect of which any alienation has been recognised by the Inamdars, or by Courts in cases to which the Inamdars were parties or which have not been contested by Inamdars for 12 years.

(iii) Where the tenants have effected permanent improvements, such as the construction of wells, tanks, or other works for the storage of water for purposes of agriculture, the preparation of land for irrigation, reclamation, drainage, etc., of land for garden cultivation, and are left in undisturbed possession for 12 years thereafter, provided that the Inamdars have made no contributions for such improvements nor recovered enhanced rent.

These recommendations of the Commission are unanimous, but a majority of four against two further add that permanent tenancy should be presumed when the Inamdar is unable to prove the origin of the tenancy and where the tenant establishes the fact of possession on payment of a fixed rent for 12 years or more. Mr. K. R. Srinivasa Iyengar is of opinion that the recommendations of the Commission may be adopted except that the period may be prescribed as 20 years instead of 12 years. The Inamdars' Association urge that the burden of proof that a tenancy is permanent should be on the tenant, and that in the absence of such proof, the tenants in Inam villages should be considered as tenants at will. Government are pleased to accept the recommendations of the Inam Commission with the modification that the period of 12 years suggested by them to establish permanency of tenure

may be raised to 80 years. Section 79 of the Land Revenue Code will be amended accordingly.

Point IV.—Should rule 99 (c) of the Land Revenue Rules regarding the recovery of arrears of quit-rent due in Inam villages be amended, and, if so, in what respects?

This rule runs as follows:—

"Where the quit-rent due on an Inam land or village has been apportioned amongst several share-holders and the lands held by each sharer are separately registered in the accounts, the holder of each sub-divided portion will be responsible for the quit-rent due on his portion only; but where no such apportionment of quit-rent has taken place and the proprietary right in an Inam village is held jointly by several persons, the joint liability of the share-holders should be insisted upon for arrears of quit-rent due to Government. If, however, share-holders, notwithstanding that the lands are not divided, wish to have their shares separately registered, so that each sharer may pay his quota of the Government dues, and produce before the Deputy Commissioner an agreement signed by all of them, containing a full statement of the shares held by each and the amount of quit-rent payable by him, their several shares may accordingly be registered; and in such cases, or where the shares have already been separately registered as *virittis*, the quit-rent due by each sharer may be collected from him. If any share-holder falls into arrear, his share shall first be sold, and if it does not realise the arrear due, the joint responsibility may then be enforced and the other shares also sold, after due notice. The purchaser of the share sold will acquire all the rights of the defaulter, but free of all encumbrances created by him." In practice, however, the cases are few, where quit-rent is apportioned and the shares held by the several owners are separately registered in the accounts, so as to enable them to pay their quota separately. The result is that when one *virittidar* defaults, Government have no other remedy than to put the whole village to sale. Even in cases in which the shares of *virittidars* are separately registered, such shares are generally not separately allocated and demarcated, so that any one who purchases them at a revenue sale cannot be easily put in possession of them. To remedy this, the Commission recommend that *virittis* should be compulsorily allocated on the land, the officer appointed for the purpose being vested with plenary powers to allocate the lands among the *virittidars* in proportion to the income received and the jodi payable by them, in cases where they do not come to any agreement among themselves, and that the rules regarding the registry of inam lands laid down in Government Order No. 14054-62—R. F. 227-92, dated the 20th February 1893, should be strictly enforced. They also recommend that commissions should not be given to Inamdars who do not maintain the village accounts Nos. 14 and 15, and that they should not be given assistance in the matter of collection of rent. Mr. K. R. Srinivasa Iyengar agrees with the Inam Commission, except that he is not convinced of the practicability of the suggestion of compulsory allocation of *virittis* where Inamdars are not agreed about it. Government agree with Mr. K. R. Srinivasa Iyengar that it is not easy for the Government to undertake the allocation of *virittis* where they are enjoyed in common by all the *virittidars* together and that the existing rules may therefore continue.

In this connection the Commission point out the difficulty that has arisen on account of the decision of Government contained in Government Order No. 2110—L. B. 178-17-8, dated the 8th August 1919. This decision is to the effect that as arrears due to Government form a paramount charge on the holding and every part thereof, its sale after forfeiture extinguishes all tenures subsisting as against the holder. This is said to have seriously endangered the position of Kadim tenants, as it opens the way for unscrupulous Inamdars to bring the lands to sale and then buy them *benami*, thus defrauding the Kadim tenants of their rights in the lands. The Commission are therefore of opinion that there should be some differentiation between sales of Government occupied lands and sales of alienated holdings.

In the case of alienated holdings, the Commission consider that permanent tenants and Kadim tenants are entitled to protection at the hands of Government. Government accept the recommendation made by the Inam Commission and direct that necessary steps be taken to amend the Land Revenue Code, so that the position

of Kadim and permanent tenants may in no way be affected by the forfeiture and sale of alienated holdings.

Point V.—How should the responsibilities of an Inamdar and the raiyats of an Inam Village in regard to the restoration and maintenance of irrigation works, situated wholly in an Inam Village, be fixed?

The obligation of Inamdars to maintain the tanks in their Inam villages in good condition and the right of Government to enforce it have been recognised from a long time. The nature and extent of the Inamdars' liability are fully stated in paragraph 309 of the Land Revenue Manual, Part I. Government have frequently received representations that the responsibility of Inamdars is seldom fully or properly discharged. This is attributed to the fact that, under existing rules, the entire responsibility devolves on the Inamdars, and the raiyats of Inam villages, unlike raiyats in Government villages, are left entirely free. In Government villages, the raiyats have a specified responsibility to discharge in the restoration and maintenance of irrigation works. The Commission recommend that the raiyats in Inam villages should be treated in the same manner as raiyats in Government villages. As regards maintenance, the *Hanchige patti* prepared by village officials should be approved by the Amildar, and it should be incumbent on the Inamdar to get work carried out according to it. As regards restoration, raiyats in Inam villages should be held responsible for the same portion of the cost of restoration, as raiyats in Government villages, and the balance of the estimate should be found by the Government and Inamdars in the proportion of the Jodi and the Jari. In all cases of restoration, the plans and estimates should be sent to the Deputy Commissioner for approval, and the Government quota of the cost should be paid only after the work is inspected and approved by the Deputy Commissioner or the officer deputed by him. They also recommend that the restoration of serial tanks and tanks above railway lines should be made compulsory and that in other cases restoration should be insisted upon, where the Inamdar or a majority of *orritidars*, or a majority of tenants ask for it and when the cost of restoration does not exceed 20 times the income under the tank. The Revenue Commissioner agrees entirely in the views of the Inam Commission. The Inamdars' Association generally accept the recommendations of the Inam Commission as regards the compulsory restoration of tanks and the enforcement of the raiyats' responsibility both for maintenance and restoration as in Government villages. They, however, add that as regards the cost of restoration, two-thirds of the estimate should be borne by Government and the balance jointly by the Inamdars and the tenants. The last suggestion ignores the fact that to the Inamdars have been transferred the rights of Government to the rent or land revenue, wholly or partially. Government accept all the recommendations of the Commission, but the work of restoration should be always done by the Public Works Department, the contributions due from the Inamdars and the tenants being collected in the same manner as contributions in respect of tanks in Government villages. Steps will be taken to amend the Minor Tanks Restoration Regulation accordingly.

Point VI.—Who should be held responsible for contribution and water-rate payable to Government on lands newly converted into wet in an inam village, from a Government source of irrigation and what compensation, if any, may be given to inamdars if they offer to collect them on their behalf?

Can the Block System of irrigation be introduced without the Inamdar's consent?

At present the Inamdar is invariably held responsible by Government for the payment of these amounts, and he is left wholly to his own resources to recover them from his tenants. Inamdars say that they find it hard to collect their own dues regularly. Various suggestions have been made by the witnesses examined. After a consideration of the different views put forward, the Inam Commission consider that in the interest of the Government, Inamdars and raiyats generally, the rules relating to contribution should be codified, and that the right of Government to recover a portion of the capital cost of construction or improvement of irrigation works from the holders of lands and estates benefited should be enforced by statute. Pending such codification, they recommend (1) that in cases where water is supplied to tenants without the consent of the Inamdar, water-rate should be recovered from the tenants by Government in advance, without prejudice to the rent payable to the Inamdar, surreptitious

use of water being dealt with under Rule 34 of the Land Revenue Rules, (2) that even when the water-supply is sanctioned with the Inamdar's consent, the tenants should have the option of paying the water-rate direct to Government in advance, (3) and that when the Inamdar undertakes to collect it for Government, he may be given a commission of 12 per cent. The opinion of the Inamdars' Association is that Government should not deal directly with the raiyats of Inam villages in recovering water-rate, that Government should only deal with the Inamdar, that no water should be supplied without the Inamdar's consent, that a rebate of not less than 25 per cent on the collections should be given to the Inamdar and that water-rates should be recoverable as an arrear of land revenue. The Revenue Commissioner, Mr. K. R. Srinivasa Iyengar, agrees with the Inamdars' Association in the view that water should not be supplied on the application of tenants unless it is made through the Inamdar, and that the Inamdar should be held liable for the water-rate or contribution due to Government from the tenants, which should be recovered in the same way as Jodi and that the Inamdar should be paid a commission of 25 per cent instead of 12 per cent as at present. The whole question was decided not very long ago in the Government Order No. R. 4785-66—L. R. 305-22 2, dated the 21st April 1923. The procedure indicated therein may be continued with the modification that all applications for water from the tenants must be made through the Inamdars and that the commission to the Inamdars for its collection may be fixed at 12½ per cent. The Commission are not in favor of introducing the Block System of irrigation in Inam villages. Government accept the views of the Commission.

Point VII.—Do the existing rules regarding the assumption of the management of Inam villages by Government, require modification, and, if so, on what lines?

The Inam Commission do not propose any change in the existing law as regards the circumstances in which Government may take over the management of Inam villages. The Inamdars' Association desire that Government should undertake the management of an Inam village, if the owner thereof makes an application to Government to that effect. Mr. K. R. Srinivasa Iyengar is of opinion that this tendency on the part of Inamdars should be discouraged as it is calculated to weaken their responsibility to administer their villages properly. Government have carefully considered the whole position. Section 120, Land Revenue Code, defines the powers of Government in regard to the management of Inam villages. That section has in the past been held to apply to all cases in which Government come into the management of Inam villages, whether the management is assumed in circumstances in which such management is authorised by the Land Revenue Code, as in cases of apprehended or actual default of revenue, or otherwise. Section 120 cannot, in the absence of a clear provision to that effect, be held to apply to cases of assumption of Government management not contemplated in the Code. Government consider that while Inam villages should not be taken up under Government management ordinarily, Government should have power to interfere and take up the management in cases of gross mismanagement due to the incapacity of the Inamdar, by reason of his minority or unsoundness of mind. Reference has been made in the report to the difficulties experienced in the management of Inam villages by Government, by reason of the fact that Government only step into the shoes of the Inamdar and are therefore unable to manage the Inam villages in the same way as they manage a Government village. It may be observed that Government cannot assume in respect of an Inam village under their management, the same powers and responsibilities as they exercise in respect of a Government village, as they are only trustees, acting on behalf of another. Section 120 of the Land Revenue Code clearly lays down that in cases in which an Inam village comes under Government management, the Government may administer the village under the rules for the management of unalienated land, so far as such rules may be applicable. It would be sufficient, in the opinion of Government, if a new provision is made in the Land Revenue Code authorising the assumption of management by Government, of villages which are grossly mismanaged during the minority or unsoundness of mind of their owners. Section 120 may be amended so as to make it applicable to cases of management that may arise under the new provision.

Point VIII. Subject to what condition may Inam villages be placed in the same position as Government villages in the matter of securing the benefits of various

measures inaugurated from time to time by Government, such as the Village Improvement Scheme, the Village Forest Scheme, and the Tank Panchayet Scheme, and of the application of Land Acquisition Regulation for the extension of village sites?

Government observe that, as pointed out by the Commission, Inam villages can have the benefit of the Village Improvement Scheme, under Government Order No. R. 8749-58—L. R. 430-13-16, dated the 9th May 1914, and that there is no legal objection to the constitution of Village Forests, Village Courts and Tank Panchayets, in Inam villages. As regards the acquisition of land, the Commission recommend that the Land Acquisition Regulation should be suitably amended so as to make it possible to apply the Regulation to cases where lands have to be acquired for village extension or other improvement for the benefit of Inam villages, even though payment is not made from the public Treasury. Under the Government Order No. R. 1106-24—L. R. 85-22-1, dated the 19th August 1922, the duty of providing village sites in the rural areas, whether in Government or in alienated villages, devolves on the District Board. Proposals for extension of village sites have to be formulated by the District Board on whose behalf acquisition of lands under the Land Acquisition Regulation is permissible at present.

Point IX.—In what other directions are changes in the existing rules, or the enactment of new rules, necessary to effect an improvement in the relations subsisting between Inamdars and tenants and to better the condition of Inam villages generally?

The Commission make the following recommendations in this behalf:

(a) Under Section 99 of the Land Revenue Code, the powers of a Deputy Commissioner under Sections 63 and 64 should be delegated to Inamdars, and the Deputy Commissioner should be empowered to exercise powers under Sections 37 and 59 of the Land Revenue Code in Inam Villages just as in a Government Village.

(b) The introduction of Survey and Settlement.

(c) The raiyats should be protected against Inamdars in the matter of appropriation of gomal lands for other purposes, by insisting that a sufficient extent of gomal on the basis of calculation adopted in Government villages should be left free for village cattle and that lands reserved for communal purposes should not be interfered with, unless such purposes no longer exist.

(d) The raiyats of Inam villages should be given the benefit of Takavi loans and Forest privileges, as in Government villages.

(e) As in Government villages, Revenue Officers should make necessary enquiries as regards channel offences on complaints made by Inamdars.

(f) In cases of widespread famine, where Government grant remission of revenue, the Inamdars, on proof forthcoming of their having granted similar remission, may be allowed proportionate remission of jodi payable by them to Government.

The decision of Government as regards the application of the provisions of Sections 63 and 64 of the Land Revenue Code to Inam villages and the introduction of Survey and Settlement is contained above. Government consider that Section 59 of the Land Revenue Code which prescribes penalties for unauthorised occupation of lands may be extended to Inam villages also. A provision may be added to the effect that on the application of an Inamdar in cases covered by this section, action may be taken by the Deputy Commissioner in respect of an Inam Village. Section 37 relates to encroachments on public roads, streets, etc., which are the property of Government, and there is no need to extend it to Inam villages. The difficulties experienced by Inamdars, reference to which is made in the report, may be avoided by the exercise of the powers under Section 59. As regards the disposal of gomal and communal lands, the Revenue Commissioner, Mr. K. R. Brinivasa Iyengar, in expressing his agreement with the Inam Commission, observes that Inamdars should not be allowed to dispose of gomal or communal lands without the approval of the Deputy Commissioner. Government accept the views of the Inam Commission as added to by the Revenue Commissioner. The recommendations of the Inam Commission as regards the grant of Takavi and Land Improvement Loans are also approved. Section 194 of the Land Revenue Code which regulates the grant

of Takavi loans applies to all holders of lands and is not limited to occupants of Government lands only. This section may be amended so as to make it clear that it will be applicable to Inamdars and Kadim tenants in an Inam village. There is similarly no provision in the Land Improvement Loans Regulation restricting its application to Government villages. The benefits of the Regulation may be extended to Inamdars and Kadim tenants in Inam villages. Section 4 of this Regulation will be amended so as to make the point quite clear. As regards forest privileges, the Government Order No. R. 6546 55—Ft. 188-08-15, dated the 10th May 1912 will be modified so as to extend the concessions to raiyats in Inam villages. The concessions offered to sufferers from accidental fires in Government villages will be extended to the raiyats in Inam villages. The existing rules regarding channel offences are applicable to Inam villages and Government direct that Amildars may take action under the Channel Offences Rules in all cases reported to them by the Inamdars or raiyats of Inam villages. The suggestion made by the Inam Commission that Inamdars should be given proportionate remission of jodi on proof of their having given similar remission to their raiyats in years of widespread drought, in which remission of assessment is sanctioned to raiyats in Government villages, is also approved.

Point X.—Is it necessary to have a separate Regulation consolidating all the laws in force and now proposed to be enacted, making the relationship between the Government and Inamdars, Inamdars and tenants, and tenants and Government, more clear and definite? If so, the rough lines on which such legislation may be undertaken, may be indicated.

The Commission are of opinion that there is no need for any special enactment consolidating the present regulations and that the Land Revenue Code and the rules thereunder with suitable amendments or changes would be sufficient. Government agree with the Inam Commission. Necessary action will be taken to amend the Code and rules on the lines indicated in this order. A statement of the changes necessitated by this order is appended.

3. Besides the 10 points referred to the Inam Commission for investigation, the Commission include two more points in their report:—

- (1) The relation between Inamdars and Village Officials; and
- (2) the appointment of Agents for *virta* villages.

Regarding the former, they state that under Government Order No. 10011—R. 94, dated the 23rd March 1876, Inamdars can appoint village officials, subject to confirmation by the Deputy Commissioner. As regards punishment, they recommend that Inamdars of settled villages should be given the powers of an Amildar and competent Inamdars should be given the powers of an Assistant Commissioner. They observe that the present rule regarding the payment of potgi in Inam villages may stand, and as regards accounts, etc., to be maintained by the village officials, they would leave it to Inamdars to decide. The Inamdars' Association accept the above recommendations, subject to the following conditions:—

(i) Where a Village Officer or servant has been appointed by the Inamdar himself, after the alienation of the village, such officer or servant will have no hereditary right to the office and his appointment or dismissal will rest with the Inamdar, without reference to the Deputy Commissioner.

(ii) The present practice of the Village Officers or servants dividing the Service Inam land among the members of the family should be disallowed.

Mr. K. R. Srinivasa Iyengar accepts the recommendations of the Inam Commission, but suggests, however, that in the case of settled villages, the potgi payable to the Village Officers Patels and Shanbhogs may, in the absence of custom or agreement to the contrary, be fixed at half of that for Government villages, as they have less work than Village Officers in Government villages.

Government consider that the views of the Inamdars' Association go much beyond the practice prevailing in Government villages and would make the position of Village Officers precarious. They are therefore pleased to approve of the recommendations of the Inam Commission as modified by Mr. K. R. Srinivasa Iyengar. The exercise

of punitive powers by the Inamdars, should, in every case, be duly authorised by Government by a Commission under Section 7 (3) of the Village Office's Regulation.

Regarding the appointment of Agents for *oritti* villages, the Commission consider that the rules laid down in Government Order No. 3337-19, dated the 28th September 1871 in the matter of the recognition of Agents for *oritti* villages, are sufficient and should be strictly enforced. They however add that when there is no agreement among the *orittidars* as regards the person who has to be appointed as Agent, one of the *orittidars* may be selected, failing which, the Patel or the Shanbhog may be made Agent and that 5 per cent of the gross collection should be paid as remuneration to the Agent. Government are pleased to approve of the recommendations made by the Commission.

4. In addition to the several points already discussed, Government consider that a change in the law is necessary in order to provide for appeals against the orders passed by Inamdars holding Commissions under Section 99 of the Land Revenue Code. The Land Revenue Code provides only for appeals against the orders passed by "Revenue Officers", which term is defined as "Officers of whatsoever rank employed in or about the business of the land revenue or of the survey, assessment, accounts or records connected therewith". The term "Revenue Officers" does not therefore include Commission-holders. There is thus no provision for appeals against the orders passed by Inamdars in the exercise of the powers conferred upon them by Commission. The parties affected have to seek their remedy in a Civil Court. This involves considerable delay and inconvenience both to the Inamdars and to the tenants. The provision to delegate powers under the Land Revenue Code to the owners of Inam villages is intended to afford them facilities for recovering their dues easily. If appeals against their orders lie only to the Civil Courts, the very object of giving them powers under Section 99 will be defeated. From the point of view of the raiyats, it will be a matter of great inconvenience to them if on every small matter which is decided by an Inamdar, they have to seek the necessary relief by a suit in a Civil Court. In these circumstances, Government consider that a specific provision in the Land Revenue Code is necessary providing for appeals against orders passed by Inamdars who have been invested with powers under Section 99 of the Land Revenue Code. Appeals against the orders of an Inamdar exercising Amildar's powers may lie to the Assistant Commissioner in charge of the Division within which the Inam village is situated, and appeals in the case of an Inamdar exercising the powers of a Deputy Commissioner, may lie to the Deputy Commissioner of the District.

5. Government are greatly indebted to the Inam Commission for the learned and exhaustive report that they have submitted on a question of great complexity and difficulty, and for the valuable suggestions that they have made for the removal of the existing disabilities of Inamdars and their tenants. Government desire to place on record their appreciation of the valuable services rendered by the members of the Commission both individually and collectively.

B. NAGAPPA,

Secretary to Government,
Local and Legislative Depts.,
Revenue Department, in charge.